

REMARKS

Claims 35-42 have been canceled without prejudice.

Claims 61-67 have been added based on previous Claims 36-42.

Claims 21-23, 25-27, 29, 32-34, and 61-67 are now in the application.

Claim 27 has been amended based on Claims 33 and 35.

Claim 33 has been amended to be commensurate in scope with amended Claim 27.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Claim Objections

Claims 36-42 added via the previous Preliminary Amendment were misnumbered.

Claims 36-42 have now been canceled without prejudice and rewritten as Claims 61-67, as suggested in the Office Action.

Terminal Disclaimer

Applicants acknowledge that the previously submitted Terminal Disclaimer has been reviewed, accepted, and recorded.

Rejections under 35 U.S.C. § 102

Claims 27, 29 and 32-34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Casademunt Ferre et al., U.S. Patent No. 5,115,535. Applicants respectfully traverse this rejection. Claim 27 has now been amended such that the removable cleaning pad of the cleaning implement requires an attachment layer comprising a material that is essentially fluid impervious. Casademunt Ferre et al. do not teach or suggest a cleaning pad comprising an essentially fluid impervious attachment layer. Therefore, Claims 27, 29 and 32-34 are not anticipated by Casademunt Ferre et al. under 35 U.S.C. § 102(b).

Claims 27, 29 and 32-35 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Statler, U.S. Patent No. 2,842,791. Applicants respectfully traverse this rejection. Claim 27 relates to a cleaning implement comprising a handle and a removable cleaning pad. Statler teaches a blackboard eraser and does not teach or suggest a cleaning implement comprising a handle and a removable cleaning pad. Therefore, Claims 27, 29 and 32-35 are not anticipated by Statler under 35 U.S.C. § 102(b).

Claims 27, 29 and 33 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Brown, U.S. Patent No. 5,533,226. Applicants respectfully traverse this rejection. Claim 27 has now been amended such that the removable cleaning pad of the cleaning implement requires an attachment layer comprising a material that is essentially fluid impervious. Brown does not teach or suggest a cleaning pad comprising an essentially fluid impervious attachment layer. Therefore, Claims 27, 29 and 32-34 are not anticipated by Brown under 35 U.S.C. § 102(b).

Claims 27, 29 and 32-35 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Nichols, U.S. Patent No. 5,609,255. Applicants respectfully traverse this rejection. Claim 27 relates to a cleaning implement comprising a removable cleaning pad with a lower surface having two or more discrete surfaces, each of which contact the surface being cleaned. Nichols teaches a mop pad that comprises a base member, a filler material, a fabric covering, and a netting. Nichols teaches that the netting covers the fabric covering which covers the filler material. Nichols does not teach or suggest a cleaning pad with a lower surface that has two or more discrete surfaces, each of which contact the surface being cleaned. Therefore, Claims 27, 29 and 32-35 are not anticipated by Nichols under 35 U.S.C. § 102(b).

#### Rejections under 35 U.S.C. § 103

Claims 21, 23, 25, 26 and 61-67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nichols in view of Newell, U.S. Patent No. 4,995,133. Applicants respectfully traverse this rejection. Nichols teaches a mop with a removable, washable, and reusable mop pad comprising a base member, a filler material (such as fiberfill batting), a fabric covering, and a netting. Newell teaches a string mop head (as opposed to a mop pad) with a plurality of web (or string) elements having involutions that can be employed in dry and/or wet mopping applications. Newell teaches that its mop head typically is capable of releasing 80% to 90% of previously absorbed liquid. See col. 5, lines 16-25; Claim 25. Newell also discloses that “in a single-use mop application, the web elements may be impregnated or otherwise have associated therewith a super-absorbent material.” Col. 12, lines 3-6. Newell only teaches superabsorbent material in the context of a disposable, single-use string mop head, whereas Nichols only teaches a washable and reusable mop pad.

The Office Action asserts that “[i]t would have been obvious to one of ordinary skill to have modified the absorbent layer of Nichols as such so, if so desired, to produce a

single-use mop application.” OFFICE ACTION (Paper No. 8) at 4. Applicants respectfully disagree. There is no motivation to one of ordinary skill to modify the washable and reusable mop of Nichols in order to turn it into a single-use mop that comprises superabsorbent material. This modification of the mop disclosed by Nichols would completely defeat one of the primary objectives of Nichols’ invention, namely that the mop pad of Nichols is designed to be washable and reusable. Since superabsorbent material is highly effective at absorbing and retaining fluid, and thus might be suitable for a single-use mop pad, adding superabsorbent material to Nichols’ mop pad would render the pad unwashable and not reusable, because once superabsorbent material becomes wetted with fluid, it is difficult to release the fluid from the superabsorbent material.

As the MPEP states: “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” MPEP § 2143.01 (citing *In re Ratti*, 123 U.S.P.Q. 349 (C.C.P.A. 1959)); *see also* MPEP § 2143.01 (citing *In re Gordon*, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)) (“If [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”). Here, since combining the teachings of Nichols with the single-use mop teaching of Newell would change the principle of operation of Nichols mop pad and render it unsatisfactory for its intended purpose – i.e., the ability to wash and reuse the mop pad of Nichols – the teachings of the references are not sufficient to render Claims 21, 23, 25, 26 and 61-67 obvious over Nichols in view of Newell.

The Office Action asserts that “[m]ost of the case law as it pertains to this issue pertains to modifications which drastically alter the mode of operation of a device. . . . The actual mode of operation of the mop implement of Nichols, even after modified by Newell, would still be used in the same manner.” OFFICE ACTION (Paper No. 8) at 6. Applicants respectfully disagree. There is a drastic difference between a cleaning pad that is a disposable, single-use pad and a cleaning pad that is washable and reusable. A disposable, single-use cleaning pad is more convenient for the consumer, because after the pad is used, the consumer can simply throw the pad away. A washable and reusable cleaning pad can be more expensive initially, but can be more economical in the long run, since it can be washed and reused, which also makes it less convenient than a disposable single-use cleaning pad. Therefore, Applicants assert that the differences between disposable single-

use cleaning pads and washable, reuseable cleaning pads are not trivial, and are indeed significant.

Furthermore, Nichols relates to mop pads, while Newell relates to a mop head comprising a plurality of string web elements. Newell do not teach or suggest a cleaning pad comprising a scrubbing layer, absorbent layer, and an attachment layer that is essentially fluid impervious. There is thus no motivation to combine Nichols, which teaches a mop pad, with Newell, which teaches a mop head with string web elements, to arrive at a cleaning pad comprising a scrubbing layer, an absorbent layer, and a liquid-impervious attachment layer, wherein the absorbent layer comprises a superabsorbent material.

Since there is no motivation or suggestion to modify Nichols as proposed by the Office Action, nor motivation to combine the teachings of Nichols and Newell, this is an improper combination of references, as supported by the MPEP and case law, and Claims 21, 23, 25, 26 and 61-67 are unobvious and patentable over Nichols in view of Newell under 35 U.S.C. § 103(a).

### CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,

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March 21, 2001  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Claims 35-42 have been canceled without prejudice.

Claim 27 has been amended as follows:

27. (Twice Amended) An implement for cleaning a surface, the implement comprising:

- a. a handle; and
- b. a removable cleaning pad having an upper surface and a lower surface, wherein the cleaning pad has multiple widths in the z-dimension, and wherein the cleaning pad comprises:
  - i. a scrubbing layer; [and]
  - ii. an absorbent layer; and
  - iii. an attachment layer comprising a material that is essentially fluid impervious;

wherein the lower surface of the cleaning pad comprises two or more discrete surfaces each of which contact the surface being cleaned.

Claim 33 has been amended as follows:

33. (Amended) The cleaning implement of Claim 27 [wherein the cleaning pad further comprises an attachment layer, and] wherein the absorbent layer is positioned between the scrubbing layer and the attachment layer.

Claims 61-67 have been added.